

Paul DeGregorio/EAC/GOV
08/30/2005 02:31 PM

To Karen Lynn-Dyson/EAC/GOV
cc Thomas R. Wilkey/EAC/GOV
bcc
Subject Eagleton Peer Review Group

Karen,

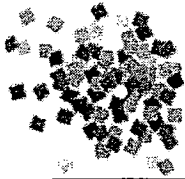
I have reviewed the Eagleton Peer Review Group recruitment list that you recently provided. Based on what I or Amie can determine from the bio's provided or an Internet search, it appears that at least 4 of the 7 people who have said yes to be on the group seem to have a liberal perspective, or have had a history of working on that side of the political spectrum. I could only identify one as being a Republican, and a moderate one at that (Verniero). Mike Alvarez has conducted a lot of research into election issues and generally seems to do it in a neutral way. I have been unable to obtain a bio or background information on Tim Storey, who is not an academic. The only person that I could identify on their list as being conservative was Brad Clark, who has declined to participate.

Therefore, based on this information regarding the Peer Review Group, I am not satisfied that they will provide Eagleton with the balanced review that I thought they would receive from such a group. I would urge you to ask them to seek the input of more conservative academics so that whatever study we receive from them will have the benefit of a balanced review. I am going to have Amie provide you with the background sheet on Professor Tim O'Rourke of Salisbury University in Maryland, whom they may want to consider for this panel. We have some calls into others who could suggest some conservative academics for this review panel.

Thanks.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

024222



Amie J. Sherrill/EAC/GOV

08/19/2005 03:55 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Re: Peer Review Group

History:

This message has been replied to.

I only got the original email on the September 6th meeting. Was this meeting confirmed by the commissioners?

Amie J. Sherrill
Special Assistant to Vice Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

08/19/2005 03:41 PM

To "Tom O'Neill"

cc

Subject Re: Peer Review Group

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill"



"Tom O'Neill"

08/19/2005 02:20 PM

To klynndyson@eac.gov

cc

024223



Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

024224



"Tom O'Neill"

08/19/2005 02:20 PM

To klynndyson@eac.gov

cc

bcc

Subject Peer Review Group

History:

✉ This message has been replied to and forwarded.

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

024225

STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology

YES/CONFIRMED

Guy-Uriel Charles

Associate Professor, School of Law
University of Minnesota
612-626-9154

YES*

Brad Clark

Professor of Law
George Washington University School of Law

NO

Pamela Susan Karlan

Montgomery Professor of Public Interest Law
Stanford Law School
650-725-4851

YES

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

YES/CONFIRMED

Daniel H. Lowenstein

Professor of Law
UCLA
310-825-4841

YES

John F. Manning

Professor
Harvard Law School

NO RESPONSE

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures

YES/CONFIRMED

Peter G. Verniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
(Former NJ Attorney General and Supreme Court Justice)

YES/CONFIRMED



Gracia Hillman/EAC/GOV

08/19/2005 12:06 PM

To Thomas R. Wilkey/EAC/GOV@EAC

cc "Paul DeGregorio" <pdegregorio@eac.gov>, "Ray Martinez" <rmartinez@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, Juliet E.

bcc

Subject Fw: Eagleton

Tom: Please put this on the agenda for discussion when we get together on Friday in Denver.

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 08/19/2005 11:06 AM
To: Gracia Hillman; Raymundo Martinez; Donetta Davidson; twilkey@nycap.rr.com; Juliet Thompson; Karen Lynn-Dyson; Carol Paquette
Subject: Eagleton

In his note regarding the Eagleton contract, Hans has raised some of the same concerns I raised from the beginning of any discussions I had regarding this contract with our staff, and at our first formal meeting with Eagleton. In reviewing their work product from time to time, I continue to have concerns about a lack of balanced input and have repeatedly voiced them with staff and with Eagleton. I did this when the initial peer review group was proposed and again during their presentation at our meeting in Pasadena (the outreach slide in their public presentation showed outreach to seven groups, of which only one could be considered conservative-leaning). Now, as I have just had the opportunity to read their July progress report, it appears that Eagleton seems to be going into a larger analysis of the voter fraud issue than was authorized in the contract. My suspicion is that Dan Tokaji is injecting his views into this to dismiss or diminish the concerns some people may have about voter fraud. I could be wrong, but his previous writings lead me to believe otherwise.

I only found one mention of voter fraud in the contract with Eagleton. It is in Section 3.5 regarding provisional voting, where it discusses "minimizing opportunity for voter fraud." Yet, on page 4 of the July progress report from Eagleton, in describing their work plan for the next month it states: "we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms." This clearly seems to be going beyond the mandate we gave them as I thought they were going to be looking at voter fraud relating to provisional voting (as the contract calls for), not voter fraud as it relates to election reforms. While voter fraud was never mentioned in the contract regarding the voter ID issue, page 5 of their July report indicates that their narratives "will include an appraisal of the prevalence and nature of vote fraud." In addition to this, page 6 describes a look into the "relationship between voter ID regime and vote fraud."

Voter fraud is clearly an issue that is perceived differently from the Right and from the Left. I have struggled with determining what a clear definition of voter fraud is myself, and therefore want to obtain various perspectives and good analysis on this issue before I formulate a solid conclusion in my mind. It has been my understanding all along that the whole voter fraud/voter intimidation issue is going to be studied by the EAC using a balanced group of consultants--not Eagleton and Moritz, who are likely to focus on just on the number of prosecutions of voter fraud, rather than the complaints made or the fact that many election officials are frustrated that some prosecutors don't take their complaints about voter fraud seriously. I am not convinced at this point that we will get a balanced and objective study from Eagleton/Moritz on voter fraud. I am puzzled on why they seem to be expending a significant portion of their time on this and would want to know if we somehow authorized them to do more research into the voter fraud issue.

On page 7 of their July report Eagleton indicates that communications with the EAC on the Peer Review

024227

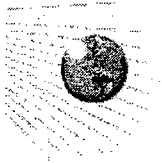
Group "were not clear or timely." I would like to know what this refers to. Also, I may have missed it, but I do not recall seeing the final list of who is serving as the Peer Review group.

The August 15th copy of the July report that I received from Karen did not include the attachment of the financial report of expenses incurred. I would like to see that attachment.

Outside of our NIST work, this contract represents our largest single outside expenditure of our operational funds. Any single expenditure of \$500,000+ needs to be closely monitored. I, for one, am not going to sign off on any report that appears to have been written from a biased viewpoint, especially one that doesn't appear to be interested in hearing from conservative organizations or right-leaning researchers, or seems to minimize any input from them. I've already had questions from congressional staff and others on why we picked Eagleton and Moritz, as they are perceived by some as biased against Republicans. I assured the critics that we have insisted all along on an objective study from Eagleton. An unbalanced or biased study from them will not only hurt my credibility, but also that of the EAC. I'm not suggesting that we stop their work, but I do want Tom and Julie to inform them in no uncertain terms that we will not accept a report that does not seriously consider all viewpoints on provisional voting and the voter ID issue, and that any study or interpretations they present to us reflect a diversity of opinions on these subjects. We also need for staff to determine whether their considerable work into the voter fraud area is authorized in the contract. We should not be paying for and receiving work we did not authorize.

The contract clearly calls for "alternative approaches" on voter ID requirements and "alternatives" on provisional voting. I agreed to support this contract to Eagleton because I was assured that we would receive a variety of approaches from their work, and not just those from a liberal perspective.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
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Washington, DC 20005
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202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov



Paul DeGregorio/EAC/GOV
08/19/2005 11:06 AM

To Gracia Hillman/EAC/GOV, Raymundo Martinez/EAC/GOV;
ddavidson@eac.gov, twilkey@nycap.rr.com, Juliet E.
Thompson/EAC/GOV, Karen Lynn-Dyson/EAC/GOV, Carol
cc

bcc

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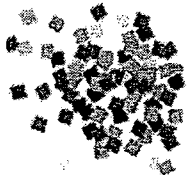
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024229

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Paul DeGregorio
Vice Chairman
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Washington, DC 20005
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202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov



Amie J. Sherrill/EAC/GOV

08/17/2005 08:54 AM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Fw: Document

Can you forward this to me? Thank you.

Amie J. Sherrill

Special Assistant to Vice Chairman Paul S. DeGregorio

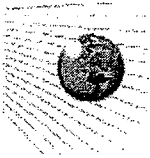
U.S. Election Assistance Commission

1225 New York NW - Suite 1100

Washington, DC 20005

(202) 566 3106

— Forwarded by Amie J. Sherrill/EAC/GOV on 08/17/2005 08:54 AM —



Paul DeGregorio/EAC/GOV

08/17/2005 04:54 AM

To Amie J. Sherrill/EAC/GOV

cc

Subject Document

Can you obtain for me from Karen the Ragleton scope of work? Thanks.

Sent from my BlackBerry Wireless Handheld

024231

Juliet E. Thompson/EAC/GOV
07/19/2005 10:01 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Two items

History: This message has been forwarded.

1. Eagleton prepared a draft of the agenda. The information will provide insight into how HAVA ID provisions collide with other state ID provisions and other HAVA requirements. In addition, we will have some perspectives on if HAVA's voter ID provision went far enough.

2. Two food tables. Three seating tables and 30 chairs. We have picnic tables and lawn chairs in addition. Deliver to my house on Saturday, if possible -- 7024 Swain Drive, Alexandria, VA 22306 -- closest cross street is Spring Street and Route 1.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
07/19/2005 09:56 AM

To Juliet E. Thompson/EAC/GOV@EAC
cc
Subject Two items

Hi-

Two items, one professional, one social:

1. By contract, Eagleton is to arrange a public meeting to receive public comment on the draft guidance for provisional voting they have helped draft for the EAC. Could you let me know what work they have performed for the EAC in preparation for next week's public meeting on provisional voting? Could you also let me know how, if at all, you envision the presentations from next week's meeting informing Eagleton's work and EAC's preparation of guidance on provisional voting?

Thanks

2. Tomorrow I'm going to go to Brooke Rental in Vienna to order the table and chairs for the EAC picnic. How many tables and chairs to you want me to order? Also, let me know the precise date, time and location to where I should have the items delivered. Can you think of anything else you'd like me to order from them? (e.g. tablecloths, large containers to hold cold beverages, disco dancing balls, tacky champagne fountains, etc.)

K

Karen Lynn-Dyson

024232



"Tom O'Neill" [REDACTED]

07/15/2005 04:23 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Invitation to Tom Wilkey

Karen: I think I and Dan Tokaji of Moritz will be the only members of the team attending the Pasadena hearing,

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Friday, July 15, 2005 3:26 PM

Subject: Re: Invitation to Tom Wilkey

Tom-

Thanks for sharing this information with me and for keeping me apprised of the activities, interests and concerns of the team.

FYI-

I'm not certain who is on board to attend the meeting at Cal Tech; Ruth and the others may wish to find a time that Tom would be available to meet with folks then.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

07/15/2005 02:39 PM

To klynndyson@eac.gov

024233

cc

Subject: Invitation to Tom Wilkey

Karen,

For your information, Ruth Mandel, Director of the Eagleton Institute of Politics, sent the letter below to Tom Wilkey this afternoon. It is an invitation for him to meet with the project team in August at Rutgers.

Have a good weekend.

Tom O'Neill

I'm writing on behalf of my colleagues at the Eagleton Institute of Politics to send congratulations on your appointment as Executive Director of the Election Assistance Commission and to extend a warm invitation for you to visit the Institute to meet our research team. The Eagleton Institute and our partners at the Moritz College of Law are delighted to have been selected to provide research services to the EAC for developing guidance to the states on provisional voting and voter identification requirements.

The Eagleton and Moritz team conducting the research and analysis would appreciate an opportunity to discuss the project with you so that we can gain a full understanding of your perspective on this work and make our research as useful as possible for you, the EAC, the states, and eventually the voters.

I understand that you continue to travel between New York and Washington, which would make a visit to Eagleton simple to arrange. Since the Rutgers campus in New Brunswick is not far from the Metropark Amtrak station, we could easily pick you up at Metropark and return you at the end of the visit. Our Moritz partners would also attend.

024234

The agenda for such a meeting could include a briefing on our progress, discussion of challenges to be met, and a conversation about your goals for this research. We believe that the earlier in the research process we can arrange to meet, the better for the project.

I hope you agree that a meeting in the near future would be useful, and that you like the idea of a visit to the research site. If so, we can search for convenient dates in the next few weeks, perhaps starting with the possibility that you would be available on August 12, 15, or 16.

We all look forward to continuing our work together on this worthwhile project.

Ruth B. Mandel

Director, The Eagleton Institute of Politics

Board of Governors Professor of Politics



"Tom O'Neill"

07/15/2005 10:01 AM

To jthompson@eac.gov

cc klynndyson@eac.gov

bcc

Subject July 28 hearing

Julie:

Can you fill me in on the current status of your planning for the hearing in Pasadena. Have invitations gone out to panelists? Are there tasks you would like us to undertake in preparation for the meeting?

Thanks,

Tom O'Neill

004236



"Lauren Vincelli"
<Vincelli@rutgers.edu>

07/14/2005 04:43 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill"
john.weingart@rutgers.edu

bcc

Subject Eagleton Institute June 2005 Progress Report

History: This message has been forwarded.

Ms. Dyson,

Attached please find the June 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please direct them to Tom O'Neill at:

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
Fax: (732) 932-1551



ProgressReport_JUNE2005_EagletonInst.doc

024237



"Tom O'Neill"

07/11/2005 12:07 PM

To klynndyson@eac.gov

cc

bcc

Subject DRAFT Agenda for July 12 Teleconference

Karen

Attached is a draft agenda for tomorrow's teleconference. You should be receiving later today information from Lauren Vincelli at Rutgers on what number to call to participate in the conference.

Please let me know if there are topics you would like to add to the agenda.



Agenda712.doc

024238

DRAFT AGENDA

*Deliberative Process
Privilege*

EAC CONTRACT PROJECT TEAM
Eagleton Institute of Politics
July 12, 2005
9:30 – 11:30 A.M.

Teleconference with the EAC Commissioners and staff

1. Introductions
2. Summary of current status of the project – Tom O'Neill
3. Questions and comments by EAC
4. Status Reports
 - a. Moritz research on statutes, cases, and administrative regulations -
-- Ned Foley
 - b. Experience with provisional voting and voter ID in 2004 –John
Harris
 - c. Voter ID requirements and turnout – Dave Andersen
 - d. Information system – Lauren Vincelli
 - e. Intranet – Don Linkly
 - f. July 28 meeting and panels – Tom O'Neill
 - g. Selecting and recruiting the Peer Review Group – Tom O'Neill
5. Questions and comments by EAC
6. Date and time for next meeting: July 19, 2005 at 9:30 a.m.



"Lauren Vincelli"
<Vincelli@rutgers.edu>

07/11/2005 11:58 AM

Please respond to
Vincelli@rutgers.edu

To "Tom O'Neill" [REDACTED] foley.33@osu.edu,
williams.285@osu.edu, lauracw@columbus.rr.com,
tokaji.1@osu.edu, john.weingart@rutgers.edu,
cc klynndyson@eac.gov

bcc

Subject EAC Conference Call - Tues. 7/12 at 9:30 am

History:

✉ This message has been replied to.

Hello everyone,

To follow are the instructions for the upcoming conference call with Eagleton & Moritz team members and EAC commissioners. The instructions below apply to anyone calling in for this call. Anyone interested in tomorrow's discussion can use this access number for the call – please pass the information on to any of your colleagues that wish to participate or listen to the conference call.

From any phone, dial: (877) 805-0964
When prompted, enter: 869580 and #.

I will initiate the call here at Eagleton. If you happen to call in before we have called in, you will be placed on hold until we call in. If anyone has any questions, please email me or call me at the telephone number below.

Have a great day.

Best,
Lauren

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
Fax: (732) 932-1551

024240



"Tom O'Neill"

07/10/2005 11:38 AM

To "Vincelli, Lauren" <Vincelli@rutgers.edu>

cc "Lynn-Dyson, Karren" <klynndyson@eac.gov>, "Weingart, John" <john.weingart@rutgers.edu>

bcc

Subject Conference Call Tuesday

Lauren:

Our team meeting on Tuesday will include EAC staff and commissioners, the Moritz group, and, of course, the Eagleton group. I think we should provide a call-in number for a true conference call for this session.

Please set the conference call up and let the EAC know via an email to Karen-Lynn Dyson.

Hope you had a pleasant weekend.

Tom

024241



"Tom O'Neill"

07/07/2005 02:23 PM

To "Lynn-Dyson, Karren" <klynndyson@eac.gov>

cc "Vincelli, Lauren" <Vincelli@rutgers.edu>

bcc

Subject Progress and Status reports

History:

✉ This message has been replied to.

Karen,

Since I was puzzled by the distinction you drew in your last email about progress and status reports, I checked the contract. Please confirm my interpretation of Section 3.2.

I read it to require a "progress report," within 2 weeks of the end of each month. "Budget status shall also be provided," the section concludes.

That would mean, I believe, that we owe you a progress report by July 14, and it should include a status report on the budget.

Please let me know if I have misread this section or if you interpret it differently.

Tom

024242



"Tom O'Neill"

07/07/2005 02:01 PM

To klynndyson@eac.gov

cc "Vincelli, Lauren" <Vincelli@rutgers.edu>

bcc

Subject Re: June status and progress reports

Karen:

I'm not sure what the difference is between a *status report* and a *progress report*, but our internal deadline for reports on each phase of the project is today, we'll be compiling them tomorrow, and sending the report on to you on Monday.

Tom

----- Original Message -----

From: klynndyson@eac.gov

To: [REDACTED]

Sent: Thursday, July 07, 2005 1:57 PM

Subject: June status and progress reports

Tom-

I have noted that Eagleton will provide a status report to the EAC on July 5th, 2005 and a progress report on July 11, 2005

I'm checking in to determine when the EAC should expect to receive these reports.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024243

Thomas R. Wilkey/EAC/GOV
06/28/2005 08:55 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject RE: Peer Review Group

Thanks..I think this plan will work and this will allow us to set up a focus group of Election Officials and stakeholders who need to spend more time together anyway.

Tom

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
06/27/2005 05:45 PM

To "Tom O'Neill" [REDACTED]
cc
Subject RE: Peer Review Group

Tom-

Had a very good review and discussion of the PRG at this morning's Commissioner meeting.

Also, the Commissioners have marked their calendars for a conference call with the Eagleton/Moritz team on July 12 at 9:30 AM.

Several concerns were raised about the composition of the PRG and, after some discussion, I indicated that Eagleton will provide the EAC with a revised participant list, and with a more detailed description of the PRG's mission, goals, objectives, workplan and timelines for accomplishing its work.

The Vice Chair is concerned that there is not sufficient conservative representation on the PRG. I would suggest the team do more research to identify well-recognized conservative academics to put on the Group.

Further, the Commissioners recommend a tiered process in which the PRG will prepare a "dispassionate" analysis of the issues and draw some tentative conclusions. This analysis and these conclusions will then be vetted with a defined/select group of local election officials, and then, with a defined/select group of advocacy organizations.

It was also suggested that a final round of focus group meetings be held with a cross-section of these election officials, advocates and academics for an overall interactive reaction to the analysis and recommendations.

Hope this helps clarify concerns; I look forward to sharing your revisions to the PRG with them.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005

024244

tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>



"Tom O'Neill"

06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>

06/22/2005 03:29 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

024245

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



"Tom O'Neill"

06/27/2005 09:52 AM

To klynndyson@eac.gov

cc

bcc

Subject July 12 and Peer Review Group

History:

This message has been forwarded

Karen:

The Eagleton project team usually meets on Tuesdays from 9:30 – 11. At tomorrow's meeting I'll confirm with the group that we will meet on July 12, if that will fit your schedule. If that is a bad time for you, we have moved our meeting time before and can do so again if we can align participants' calendars. This week for the first time, Laura Williams --representing Moritz-- will join the session by telephone. For the meeting on the 12th I'll try to arrange for Ned Foley and Dan Tokaji to participate as well.

On the Peer Review Group

Your request to include the election officials on the group caused us to think anew about its purpose and composition. We agreed that election officials would add a useful dose of real world experience to the research. One of them could be Peter Veniero, who as AG (where he served before appointment to our Supreme Court) was New Jersey's chief election official. We would like Tom Wilkey to suggest a couple of former, senior election officials who could contribute to the PRG's work. While the PRG needs the experience of election administrators, we believe that perspective can be conveyed best by a senior, former official who is not appointed to represent a group of such officials --only to represent him or herself. We believe the group's advice would be most useful if came from people with the perspective provided by now being some distance from the daily fray.

This analysis emerged from a Friday conference call in which Ingrid Reed, Ned Foley, Laura Williams and I rethought the composition of the PRG. We concluded that the group should not, after all, include members from organizations that have taken advocacy positions on the issues we are researching. We agreed that the PRG should focus on methodologies and research findings rather than debate policy outcomes. PRG members should be free to represent themselves, rather than argue from an existing institutional position on policy. The PRG is not an advisory committee or a group of stakeholders to vet and take some ownership of policy recommendations. We'll consult the stakeholders separately, beginning with the list of groups in the proposal.

To replace those from advocacy organizations, we believe it would be preferable to add more members(from academia and the law, such as Pam Karlan, Guy-Uriel Charles, or Dan Lowenstein, whose CVs are summarized on the attachment. Finally, I will draft a mission statement for the PRG. Attached is a revised list of proposed PRG members, showing 2 slots to be filled by senior, former election officials.

Hope you have received the Gantt chart by now and that it fits your needs.

Ingrid Reed and I will attend the meeting in New York on Thursday and look forward to seeing you there.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Friday, June 24, 2005 6:36 PM

Cc: twilkey@eac.gov

Subject: RE: Peer Review Group

024247

Tom-

I'd like to schedule a conference call among EAC and Eagleton staff for sometime the early part of the week of July 11. Please let me know dates and times on your end and I'll coordinate with staff here.

During the call we can review your monthly report and cover any problems, challenges, needs, etc. that the Eagleton team may have.

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

[REDACTED]
Subject: Re: Peer Review Group

024248

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PRGREV.doc



"Tom O'Neill" [REDACTED]

06/23/2005 02:43 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Peer Review Group

History:

[REDACTED] This message has been replied to.

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

024250

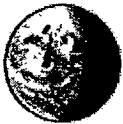
Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

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Tom



"Tom O'Neill"

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

bcc

Subject Peer Review Group

History:

✉ This message has been replied to and forwarded.

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

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Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

024252

PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Deborah Goldberg, Ph.D

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Wade Henderson, Esq.

Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell

President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000

Washington, DC 20036-4508
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.



"Tom O'Neill"

06/15/2005 06:36 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Election Day Study & Survey of Local Officials

Karen:

Yes, thanks. I did receive it.

The Peer Review Group and update on the panels for the July hearing will be there by week's end, as will, with any luck, the Gantt chart.

The design of the survey of local (i.e., county) election officials is proceeding rapidly. We will send a letter to the officials chosen in the random sample process before they receive a call from the company that actually conducts the interviews. Attached is a very preliminary draft of the letter, and I'd appreciate your comments. I took much of the language that describes the research from the approved language in the recent news release.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Wednesday, June 15, 2005 6:01 PM

Subject: RE: Election Day Study & Survey of Local Officials

Tom-

I assume you got the needed provisional vote material I sent via fax today?
Will I be getting your nominations for the peer review group this week and an update on your progress with planning the July hearing on voter ID?

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005



tel:202-566-3123 Lettertoofficials.doc

024255

DRAFT LETTER TO LOCAL ELECTION OFFICIALS

The U.S. Election Assistance Commission (EAC) has awarded the Rutgers, The State University of New Jersey, a contract to study provisional voting based on experiences from the 2004 election. The research will address key questions related to provisional voting in the context of effective election administration, voter access and ballot security. The study will develop recommendations for EAC to consider in the development of its guidance to the states for the 2006 elections.

As you know, EAC was established by the Help America Vote Act (HAVA) of 2002. It is an independent, bipartisan agency that provides federal funds to states to upgrade voting systems and improve election administration. It publishes voluntary guidelines for the states and serves as a national clearinghouse of information regarding election administration.

An important part of our research will be a survey of local election officials across the country. You have been randomly selected to participate in the survey, which will ask about your experiences in administering the provisional voting process in the federal election that took place in November 2004.

A survey researcher from _____ will call you during the week of _____. The researcher will ask you several questions about your experience with provisional voting your evaluation of the process, and your recommendations to improve it. The survey will take about 15 minutes, and you need do nothing to prepare for it. You will not be identified as having participated in the study and no statement or comment you make will be ascribed to you in our report or in the project files.

At the contract's conclusion, we will present a report to the EAC including an analysis of provisional voting procedures as well as potential alternatives to existing practices and procedures. The EAC will publish its proposed guidance document in the Federal Register for public review and comment, and the EAC will hold a hearing on the guidance document this fall before adopting it.

Your participation in the study will be important in assuring that it reflects the views of election officials who have direct experience with provisional voting.



"Tom O'Neill"

06/22/2005 10:09 AM

To klynndyson@eac.gov

cc

bcc

Subject RE: Revised Work Plan --Gantt Chart

Karen: Lauren Vincelli at Eagleton printed out 3 copies of the pdf version of the Gantt chart and is sending it to you via Fed Ex today. I expect you will receive it before the end of the week. If you don't have it by Friday noon, please call me and we'll track the shipment.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Tuesday, June 21, 2005 2:01 PM

To: [REDACTED] lotero@eac.gov

Subject: RE: Revised Work Plan --Gantt Chart

Tom-

I understand from EAC staff that we have just purchased the Microsoft project software, but that it won't be on our systems for a few weeks.

Please Fed Ex several 11 X 17 copies of the chart to me.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>

06/20/2005 12:19 PM

To klynndyson@eac.gov

cc

Subject RE: Revised Work Plan --Gantt Chart

024257

Karen:

I just downloaded the same file I sent you. It is formatted for printing at 11x17, and I had no difficulty magnifying it to that size on my computer screen. I don't have a printer than handles paper that size so I can't print it myself. The only other format I have available is a Microsoft project file, and that is attached. (Although in my experience pdf files are the easiest to handle.)

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Monday, June 20, 2005 12:04 PM

To: [REDACTED]

Cc: lotero@eac.gov

Subject: Re: Revised Work Plan --Gantt Chart

Happy Monday, Tom

The EAC Research Associate and I are having difficulty reading the Gantt chart you sent and need it sent in a format in which we can enlarge it to at least 11X 17.

I'd like to be able to share this with the Commissioners later on this afternoon, but understand if your not able to convert it by then.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024256



"Tom O'Neill"

06/21/2005 03:54 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Revised Work Plan --Gantt Chart

Karen: The Rutgers staff is arranging to print the Gantt Chart. We'll ship it off to you just as soon as it is ready.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Tuesday, June 21, 2005 2:01 PM

To: [REDACTED] lotero@eac.gov

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Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill"

06/20/2005 12:19 PM

To klynndyson@eac.gov

cc

Subject RE: Revised Work Plan --Gantt Chart

024259

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Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024260



"Tom O'Neill"

06/15/2005 11:49 AM

To klynndyson@eac.gov

cc

bcc

Subject RE: Election Day Study & Survey of Local Officials

History:

⤵ This message has been replied to.

Thanks, Karen.

The Gantt chart is in process, as is an update, summary narrative of our approach to the work.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Wednesday, June 15, 2005 11:45 AM

To: [REDACTED]

Subject: RE: Election Day Study & Survey of Local Officials

Tom-

In addition to the e-mail just sent regarding the draft chapter report on provisional votes-

Please get your Gantt chart that describes the project workplan to me as soon as possible.

Thanks

Karen

Karen Lynn-Dyson

U.S. Election Assistance Commission

1225 New York Avenue, NW Suite 1100


Washington, DC 20005

tel:202-566-3123

024261

Jeannie Layson/EAC/GOV
06/14/2005 08:17 AM

To "Tom O'Neill" [REDACTED]
cc klynndyson@eac.gov, cpaquette@eac.gov
bcc

Subject Re: Revised Release Draft 2 

History:  This message has been forwarded.

Tom,
The revised release incorporating our changes is attached. Call me if you have any questions, and thank you for your patience throughout this process. Please let me know when it's released.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100



www.eac.gov Eagleton release rev.doc

024262

Contact: Steve Manas, 732/932-7084, ext. 612, E-mail: smanas@ur.rutgers.edu

June 13, 2005

DRAFT FOR APPROVAL

EDITOR'S NOTE: ATTENTION POLITICAL, ASSIGNMENT EDITORS

**EAGLETON INSTITUTE OF POLITICS WINS \$560,000 CONTRACT
FROM U.S. ELECTION ASSISTANCE COMMISSION**

Rutgers Institute to Study Provisional Voting, Voter Identification Procedures

NEW BRUNSWICK/PISCATAWAY, N.J. – The U.S. Election Assistance Commission (EAC) has awarded the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, a \$560,000 contract to study provisional voting and voter identification procedures based on experiences from the 2004 election.

Under the national contract, the institute will develop recommendations for EAC to consider in the development of its guidance to the states for the 2006 elections, according to Eagleton Director Ruth B. Mandel, the study's principal investigator. She added that the Moritz College of Law at Ohio State University, Eagleton's partner in the contract application, will be responsible for the legal analysis of the competitively bid, seven-month project.

Eagleton already is home to an extensive civic education and political participation program, with several projects aimed at increasing voter turnout, political participation and Americans' involvement in civic life.

EAC was established by the Help America Vote Act (HAVA) of 2002. It is an independent, bipartisan agency and provides federal funds to states to upgrade voting systems and improve election administration. It publishes voluntary guidelines for the states and serves as a national clearinghouse of information regarding election administration.

The Eagleton project team, led by Mandel, includes Ingrid W. Reed, John Weingart and consultant Thomas O'Neill, retired president of the Partnership for New Jersey, who will serve as project director. The project will address key questions related to provisional voting and voter identification in the context of effective election administration, voter access and ballot security.

024263

Eagleton will examine the nation's experience with provisional voting and voter identification requirements and practices in 2004 through extensive research including a survey of local election officials across the country. In addition, the work will be informed by scrutiny from a panel of peer reviewers as well as by comments offered at public hearings to be held in conjunction with the project.

At the contract's conclusion, the team will present a narrative on both topics, indexed databases of major articles on provisional voting and voter identification requirements, summaries of case law on each subject, analyses of provisional voting procedures from around the country and of voter participation and vote fraud under various voter ID requirements, and a report of potential alternatives to existing practices and procedures.



"Tom O'Neill"

07/13/2005 12:29 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Peer Review Group

Thank you, Karen.

Tom

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Wednesday, July 13, 2005 11:05 AM

To: [REDACTED]

Cc: cpaquette@eac.gov; twilkey@eac.gov

Subject: RE: Peer Review Group

Tom-

I will take up the matter of next steps with the Peer Review Group, with Tom Wilkey, the EAC Executive Director ASAP.

I will have an answer regarding the EAC's suggested next steps on how to proceed on this matter as quickly as possible.

Regards-

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill"

024265

n.net>

07/12/2005 07:17
PM

To: cpaquette@eac.gov
cc:reed@rutgers.edu, john.weingart@rutgers.edu, klynndyson@eac.gov,
lauracw@columbus.rr.com, foley.33@osu.edu, rmandel@rci.rutgers.edu
Subject: RE: Peer Review Group

Carol,

I sent you the email on the Peer Review Group because you asked me to. When we discussed the issue in New York, you told me to send to you in writing our response to the Commission's suggestions for a new, more elaborate review process. I believe I copied Karen on that email.

Learning now, almost a week later, that you have taken no action is disheartening. As you know, our schedule is tight, and we need the counsel the Peer Review Group can provide. I hope, therefore, that Karen will take immediate action to resolve the situation so we can begin to recruit the review group in time to assure the quality of the resource design.

Tom O'Neill

-----Original Message-----

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Tuesday, July 12, 2005 6:37 PM

To: klynndyson@eac.gov

Cc: Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth; Tom O'Neill

Subject: Re: Peer Review Group

024266

Karen, Tom -

I am not taking any action on the email Tom sent a few days ago regarding the Peer Review Group because the Eagleton project is not my responsibility. As I indicated earlier to Karen, I didn't know why this was sent to me since Karen is the Project Manager. I endorse her comment below regarding the need for including her in all correspondence with anyone at the EAC regarding the project.

When I was the Interim Executive Director it was part of my job to stay on top of all EAC project work. I now have other responsibilities at the EAC, and while I am happy to continue involvement in other projects for continuity and transition purposes as needed, that needs to be very limited. My involvement with the Eagleton work has only been from the contracting perspective, and that is the only continuing role I have. Any substantive project activities have to be taken up with Karen.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Karen
Lynn-Dys
on/EAC/G
OV

07/12/200
5 05:08

PM

To:

"Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <nfoley.33@osu.edu>, "reed, Ingrid"
cc <ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura Williams"
<lauracw@columbus.rr.com>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>

Subject: Re: Peer Review Group [Link](#)

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024267

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Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom
O'Neill"

07/08/2005
03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klynndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
Subject Peer Review Group

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024268

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Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

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1. Not sufficient conservative representation on the PRG
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Carol A. Paquette/EAC/GOV
07/12/2005 07:49 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Fw: Peer Review Group

Karen -

Please see Tom's email below. I checked his previous email on the peer review group and you were copied. Maybe you didn't get this because of the email problem you were having. Anyhow, I'm not responding to his latest message, just letting it drop.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

— Forwarded by Carol A. Paquette/EAC/GOV on 07/12/2005 07:45 PM —



"Tom O'Neill"

07/12/2005 07:17 PM

To cpaquette@eac.gov
ireed@rutgers.edu, john.weingart@rutgers.edu,
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Tom O'Neill

-----Original Message-----

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Tuesday, July 12, 2005 6:37 PM

To: klynndyson@eac.gov

Cc: Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth; Tom O'Neill

Subject: Re: Peer Review Group

024271

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Karen
Lynn-Dyson/EAC
/GOV

07/12/2005 05:08
PM

To "Tom O'Neill" [REDACTED]
"Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <nfoley.33@osu.edu>, "reed, ingrid"
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<tom_oneill@verizon.net>

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Subject RE: Peer Review Group

History:

✉ This message has been replied to.

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024276

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Carol A. Paquette
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(202)566-3125 cpaquette@eac.gov

Karen
Lynn-Dys
on/EAC/G

OV

To"Tom O'Neill"

07/12/200

5 05:08

PM

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024278

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 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall,

024282

interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define

will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERS July 6.doc

Carol A. Paquette/EAC/GOV
06/10/2005 02:10 PM

To Gracia Hillman/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Paul
bcc
Subject Re: Eagleton draft press release

Made essentially the same comment to Jeannie regarding the guidance language in paragraph two. We had no input to the creation of this release, so there is no EAC intent to use this as a trial balloon.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Gracia Hillman/EAC/GOV



Gracia Hillman/EAC/GOV
06/10/2005 02:00 PM

To Jeannie Layson/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV, Paul DeGregorio/EAC/GOV, Karen Lynn-Dyson/EAC/GOV, Carol A. Paquette/EAC/GOV,
cc Juliet E. Thompson/EAC/GOV, "Tom Wilkey" <twilkey@nycap.rr.com>
Subject Re: Eagleton draft press release

I have some concerns about the press release. In paragraph two, I am not comfortable with the following language in what I believe is paragraph two: Under the national contract, the institute will develop recommendations for EAC to issue as guidance to the states to use in 2006.

It seems to me that EAC will develop the guidance based on Eagleton's findings.

Also, I do not think the press release should contain the list of questions. Are they/we trying to float a trial balloon and elicit initial reaction at this early stage of the study??

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 06/10/2005 12:57 PM
To: Gracia Hillman; Raymundo Martinez; Paul DeGregorio
Cc: Karen Lynn-Dyson; Carol Paquette; Juliet Thompson
Subject: Eagleton draft press release

Commissioners,
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024285

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DRAFT FOR APPROVAL

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Eagleton will address these questions by examining the nation's experience with provisional voting and voter identification requirements and practices in 2004 through extensive research including a survey of local election officials across the country. In addition, the work will be informed by scrutiny from a panel of peer reviewers as well as by comments offered at public hearings to be held in conjunction with the project.

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Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

Carol A. Paquette/EAC/GOV
06/10/2005 02:09 PM

To Gracia Hillman/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Paul
bcc
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Gracia Hillman/EAC/GOV



Gracia Hillman/EAC/GOV
06/10/2005 02:00 PM

To Jeannie Layson/EAC/GOV@EAC, Raymundo
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Karen Lynn-Dyson/EAC/GOV, Carol A. Paquette/EAC/GOV,
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024288

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Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

Jeannie Layson/EAC/GOV
06/10/2005 12:57 PM

To ghillman@eac.gov, rmartinez@eac.gov,
pdegregorio@eac.gov
cc klynndyson@eac.gov, cpaquette@eac.gov,
jthompson@eac.gov
bcc

Subject Eagleton draft press release

History: This message has been forwarded.

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024291

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Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100



www.eac.gov Eagleton release.doc

024292


Jeannie Layson/EAC/GOV

06/10/2005 11:30 AM

To "Tom O'Neill" [REDACTED]

cc klynndyson@eac.gov

bcc

Subject Re: Revised release for Eagleton Research 

Tom,

Attached is the press release with a few minor edits, but it still does not contain a brief description of the methodology. Please provide that language so I can give the final version to the chair for her approval.

Thanks. My number is 202-566-3103 if you have questions.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100



www.eac.gov news release 2.doc

024293

Contact: Steve Manas, 732/932-7084, ext. 612, E-mail: smanas@ur.rutgers.edu

June 2, 2005

DRAFT FOR APPROVAL

EDITOR'S NOTE: ATTENTION POLITICAL, ASSIGNMENT EDITORS

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Deleted: the US

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Deleted: The US

Deleted: election system

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-more-

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EAC'S COMMUNICATIONS MANAGER JEANNIE LAYSON WANTS THE RELEASE TO INCLUDE A PARAGRAPH SUMMARIZING THE METHODS WE WILL USE TO ANSWER THE QUESTIONS POSED IN THE BULLETED LIST ABOVE. SHE WANTS TO REVIEW THE REVISED RELEASE BEFORE SUBMITTING TO THE EAC CHAIR FOR APPROVAL.

202-566-3103 or jlayson@eac.gov



050602-x
EIP-USEACVoterContract.rel.ed



"Tom O'Neill"

06/08/2005 12:47 PM

To jlayson@eac.gov

cc klynndyson@eac.gov, john.weingart@rutgers.edu

bcc

Subject Revised release for Eagleton Research

History:

This message has been forwarded.

Jeannie:

Attached is the news release we discussed yesterday, with the addition you requested.

As I mentioned, we are eager to make this announcement.

Thanks,

Tom



NewsRelease1.doc

024297

Contact: Steve Manas, 732/932-7084, ext. 612, E-mail: smanas@ur.rutgers.edu

June 2, 2005

DRAFT FOR APPROVAL

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202-566-3103 or jlayson@eac.gov



050602-x
EIP-USEACVoterContract.rel.ed

Jeannie Layson/EAC/GOV
06/03/2005 08:51 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc

Subject Re: Fw: Press Release on Research Contract Award 

I know this is a silly question... but do they have to issue a press release?

My edits are attached. But per my earlier email, the chair and the other commissioners should sign off on this. One question I had that wasn't answered by the press release: Who are they surveying? The public? Election officials? What's the methodology? Sample size? In other words, if a reporter asked me those



questions, I could not get the info from this press release. NewsRelease II edits.doc

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

Contact: Steve Manas, 732/932-7084, ext. 612, E-mail: smanas@ur.rutgers.edu

June 2, 2005

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-more-

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050602-x
EIP-USEACVoterContract.rel.ed

Jeannie Layson/EAC/GOV
06/02/2005 07:01 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc

Subject Re: Press Release on Research Contract Award

I also want to make sure the chair approves of the content. I assume they can wait until we get her approval.

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 06/02/2005 05:04 PM
To: Jeannie Layson
Subject: Fw: Press Release on Research Contract Award

Jeannie-

Please review/revise and correct, as necessary.

Thanks

K
Karen Lynn-Dyson
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/02/2005 05:00 PM -----



"Tom O'Neill"

06/02/2005 04:40 PM

To klynndyson@eac.gov
cc

Subject Press Release on Research Contract Award

Karen:

Julie Thompson did give me the information I needed about arrangements for the hearing. Thanks.

Attached is a draft press release for your review. It announces the award of the research contract to Rutgers and Moritz and outlines the nature of the project. We'd like to get it out next week.

I'd wish you a good weekend, but I have a feeling that I'll be in touch again tomorrow.

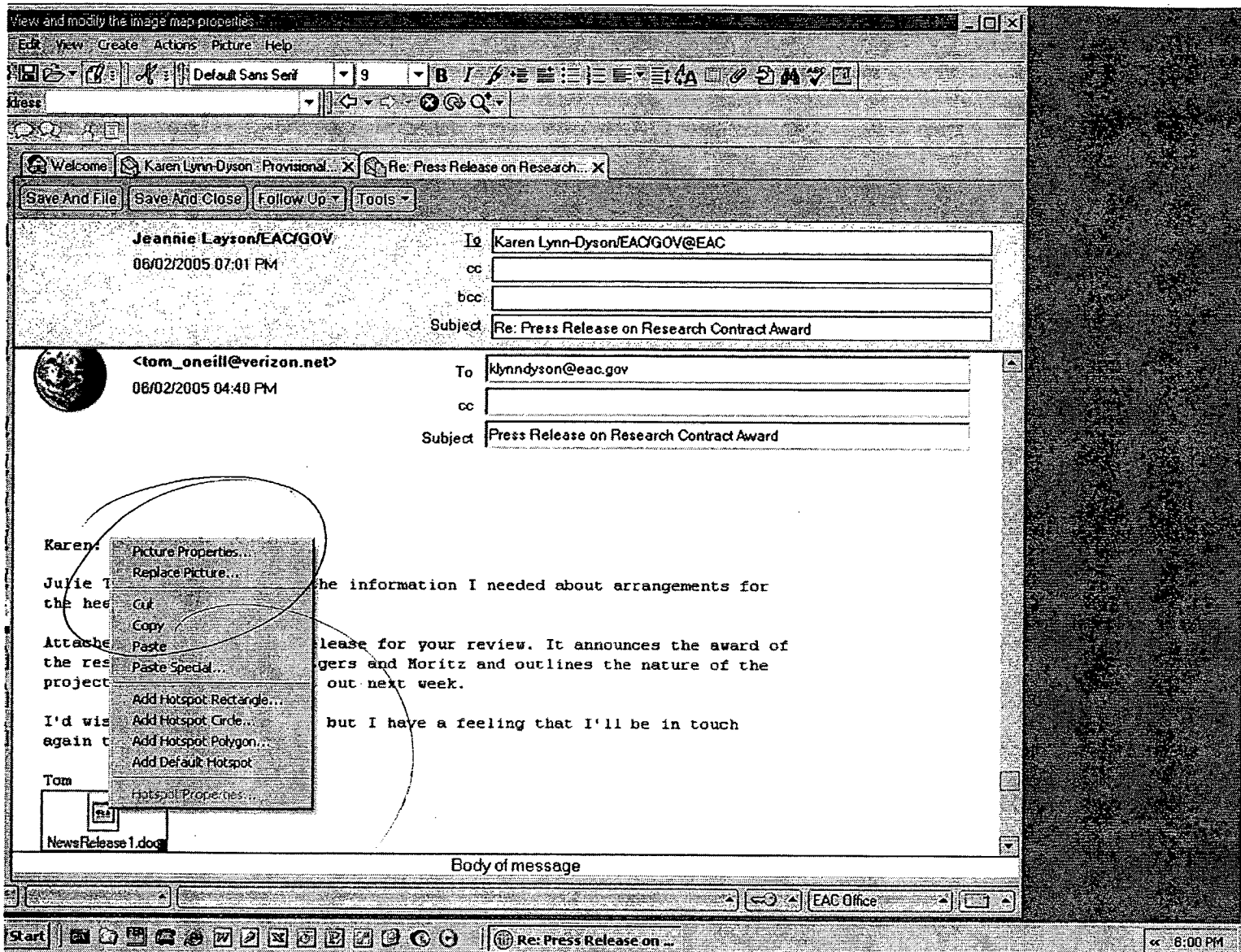
Tom

024303



NewsRelease1.doc

024304



AN IMAGE OF A FILE;
NO FILE W/ MESSAGE.

024305



"Tom O'Neill"

06/02/2005 05:30 PM

To jthompson@eac.gov

cc ireed@rutgers.edu, "Edward Foley" <foley.33@osu.edu>, klynndyson@eac.gov

bcc

Subject June 30 Hearing Panelists

History:

This message has been forwarded.

Julie:

Thanks for your call. Our conversation helped me crystallize further the recommendations we will make to the Commission about the material to be covered at the hearing.

I believe we will recommend two panels of 3 or 4 people each for the June 30 hearing. One will cover the relatively narrow HAVA Voter ID requirements with presentations by 2 state-level voting administrators with contrasting experiences. The contrast between Michigan and Pennsylvania might prove especially instructive because it would demonstrate the relationship between the quality of the data base and requirements for voter identification. Since the hearing is being held in Manhattan, perhaps inviting a speaker from New York instead of Pennsylvania would make sense. I'd appreciate your thoughts on that.

Two other speakers could address the issue of broader Voter ID requirements to reduce vote fraud by requiring some form of identification for each voter at the polling place. The experience in Mississippi over the past 5 years has been particularly dramatic, as illustrated by the attached news article from the local press last year. As we discussed, inviting the 2 legislators profiled in the article might make for powerful testimony.

The final 2 speakers we believe should be academics who have studied the relationship between Voter ID regimes, voter participation and vote fraud and who have conflicting evidence and conclusions to offer. We have found at least two university based researchers who can present the view that stricter Voter ID requirements do not reduce vote fraud and do dampen participation. We have not yet identified a researcher from the other end of the spectrum, but we are looking actively. Your suggestions would be most welcome.

Below is our current list of possibilities for your review.

Tom

JUNE 30 HEARING
POSSIBLE PANELISTS OR TOPICS

Possible States to be represented by one or more panelists

024306

Mississippi

Debate over voter id issues has been dramatic. The resonance of Mississippi on voting issues would lend interest to the testimony. Voter id legislation was not approved in the current legislative session and has been a source of contention at least since 1999.

Michigan

Strong database state; lax Voter ID requirements don't seem to present as much of a problem (although one hears rumors about Detroit); interesting contrast to NY. With Pennsylvania would present contrasts in the importance of the Statewide Voter Data Base

New York

Had a significant problem with provisional ballots, suggesting that their relatively lax ID rules might be problematic; also Tom Wilkey will have good contacts there. The hearing is there.

Pennsylvania

Relatively lax ID rules and apparently quite a few problems with provisional ballots in 2004. Had start up problems with its data base and would offer comparisons between counties where the data base was well established and those where is new. Should be weighed against New York for inclusion as a contrast with Michigan

Wisconsin

Governor Doyle vetoed the legislature's first attempt at tightening voter ID requirements, and instead offered a package to recruit and train more qualified poll workers and calls for improvements in voter registration procedures.

Academics on Voter ID, Turnout, and Vote Fraud**Spencer Overton**

Professor, GWU Law School. Has written op-eds arguing that the empirical research is insufficient to support the need for more ID to reduce fraud. He is working on a book on the topic.

John Fortier

Research Fellow at the American Enterprise Institute. Recommended by Norm Ornstein. Google revealed no publications on this topic by Fortier.

Lorraine C. Minnite

Assistant Professor of Political Science, Barnard College. Lead researcher of the Demos election fraud study and researcher in immigrant voting patterns. Found that the incidence of fraud perpetrated by individual voters in the United States was very low and had a minimal impact on election outcomes.

Guy-Uriel Charles

Associate Professor of Law, Center for the Study of Political Psychology University of Minnesota. His areas of interest include Election Law and Election Law Disputes and African American Voting Concerns. He is a member of the National Research Commission on Elections and Voting of the Social Science Research Council



"Tom O'Neill"

06/02/2005 04:40 PM

To klynndyson@eac.gov

cc

bcc

Subject Press Release on Research Contract Award

History:

✉ This message has been forwarded.

Karen:

Julie Thompson did give me the information I needed about arrangements for the hearing. Thanks.

Attached is a draft press release for your review. It announces the award of the research contract to Rutgers and Moritz and outlines the nature of the project. We'd like to get it out next week.

I'd wish you a good weekend, but I have a feeling that I'll be in touch again tomorrow.

Tom



NewsRelease1.doc

024308

Contact: Steve Manas, 732/932-7084, ext. 612, E-mail: smanas@ur.rutgers.edu

June 2, 2005

DRAFT FOR APPROVAL

EDITOR'S NOTE: ATTENTION POLITICAL, ASSIGNMENT EDITORS

**EAGLETON INSTITUTE OF POLITICS WINS \$560,000 CONTRACT
FROM U.S. ELECTION ASSISTANCE COMMISSION**

Rutgers Institute to Study Provisional Voting, Voter Identification Procedures

NEW BRUNSWICK/PISCATAWAY, N.J. – The U.S. Election Assistance Commission (USEAC) has awarded the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, a \$560,000 contract to study provisional voting and voter identification procedures based on experiences from the 2004 election.

Under the national contract, the institute will develop recommendations for the USEAC to issue as guidance to the states to use in 2006, according to Eagleton Director Ruth B. Mandel, the study's principal investigator. She added that the Moritz College of Law at Ohio State University, Eagleton's partner in the contract application, will be responsible for the legal analysis of the competitively bid, seven-month project.

Eagleton already is home to an extensive civic education and political participation program, with several projects aimed at increasing voter turnout, political participation and Americans' involvement in civic life.

The USEAC was established by the Help America Vote Act (HAVA) of 2002. It is an independent, bipartisan agency and provides federal funds to states to upgrade voting systems and improve election administration. It publishes voluntary election system guidelines and serves as a national clearinghouse of information regarding election administration.

The Eagleton project team, led by Mandel, includes Ingrid W. Reed, John Weingart and consultant Thomas O'Neill, retired president of the Partnership for New Jersey, who will serve as project director. The project will address key questions related to provisional voting and voter identification in the context of effective election administration, voter access and ballot security.

Questions include:

- Did the states have in place clear and uniform written procedures, guidelines and instructions to govern the casting and counting of provisional ballots?
- Did local procedures reflect the state's uniform procedures?
- Did all states and election jurisdictions make these procedures available to the public, political parties and candidates before the election?
- To what extent were poll workers appropriately trained on how to administer provisional ballots, including establishing the identity of the potential voter seeking a provisional ballot?
- How were federal funds under the Help America Vote Act used to educate voters about their rights to cast a provisional ballot and where such provisional ballots must be cast to be counted?
- In states where a provisional ballot had to be cast at the voter's assigned polling place or precinct, was information available to poll workers to allow them to determine the voter's assigned precinct and polling place?
- Did states have mechanisms in place to inform voters casting provisional ballots whether their vote was counted and whether they are now registered for subsequent elections?

At the contract's conclusion, the team will present a narrative of the nation's experience with provisional voting in 2004, indexed databases of major articles on provisional voting and voter identification requirements, summaries of case law on each subject, analyses of provisional voting procedures from around the country and of voter participation and vote fraud under various voter ID requirements, and a report of alternatives to existing practices and procedures.



Juliet E. Thompson/EAC/GOV
06/02/2005 12:27 PM

To [REDACTED]
cc Karen Lynn-Dyson/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC
bcc
Subject Re: Arrangements for June 30 Meeting

Tom,

The following answers, I hope, your questions. I am happy to discuss this further.

1. Does the EAC have a preference for a venue for the meeting? Have any arrangements --preliminary or otherwise-- been made to secure that facility? If not, I assume EAC would prefer a public building or an academic setting such as the auditorium you used at the law school in Columbus.

EAC has a meeting location for this meeting and the hearing that will follow. The meeting and hearing will be held at the Marriot Marquis Hotel. I will have staff provide the address and room.

2. Has the EAC made arrangements for a transcriber to record the meeting of the Commissioners? If so, is it the EAC's intention that we will use the same transcriber for the panel? If not, should we arrange for a transcriber for the entire day? Are there federal rules on payments for transcription services that we should follow?

While EAC has not yet made arrangements for a transcriber, we will as we will need one for the meeting and the hearing.

3. Will EAC support staff attend the hearing to sign in those attending, issue name tags, etc., or are these duties that we should be prepared to carry out?

Yes, EAC will have staff available for this function.

4. Will the EAC issue the news release about the meeting and the panel?

Yes.

5. What do federal regulation indicate that I may offer speakers we bring in from these states in terms of travel, accommodations, meals, etc? Will speakers have to pay for their travel and accommodations and then request reimbursement or can we pay their bills directly?

Federal travel regulations apply. However, once you have made recommendations on panelists and the Commission has approved those panelists, we will take care of their travel arrangements and accommodations.

Arizona, California, Mississippi, Michigan, New York, Pennsylvania, and Wisconsin.

I can imagine that the Commission will not want to use Arizona. There is a great deal of controversy

024311

around some proposed legislation that was introduced and passed by the Arizona legislature last year. EAC has not yet taken a position on that controversy, but may. Until such time as EAC has formalized its opinion on this, EAC will not want to invite a public debate on this issue.

I will call you later to discuss any questions or concerns. I am in a meeting from 1 - 3 (EDT)

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Tom O'Neill" <tom_oneill@verizon.net>



"Tom O'Neill"

06/01/2005 10:47 PM

To jthompson@eac.gov
cc klynndyson@eac.gov
Subject Arrangements for June 30 Meeting

Julie,

Karen Lynn-Dyson suggested I consult directly with you about arrangements for the Commission's June 30 meeting in New York. As I understood our discussions in Washington last week, as your consultants we will be responsible for organizing the portion of the meeting that will cover the Voter Identification issue, while EAC staff will organize the regular meeting of the Commissioners. Is that understanding correct?

Because time is short, we know we must move quickly on the arrangements.

1. Does the EAC have a preference for a venue for the meeting? Have any arrangements --preliminary or otherwise-- been made to secure that facility? If not, I assume EAC would prefer a public building or an academic setting such as the auditorium you used at the law school in Columbus.
2. Has the EAC made arrangements for a transcriber to record the meeting of the Commissioners? If so, is it the EAC's intention that we will use the same transcriber for the panel? If not, should we arrange for a transcriber for the entire day? Are there federal rules on payments for transcription services that we should follow?
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024312

for their travel and accommodations and then request reimbursement or can we pay their bills directly?

These are the states we are currently evaluating for the Voter ID presentations: Arizona, California, Mississippi, Michigan, New York, Pennsylvania, and Wisconsin. We may pick 4 of these, or fewer if we determine that one state should have two panelists representing different viewpoints: Karen tells me you have been working with several of these, and your counsel would sharpen the judgment we bring to bear on our selection. I am particularly interested in the Mississippi experience and would like to discuss that with you. . . perhaps by phone. The project team is aiming to agree on a panel of speakers to submit to the the EAC early next week. Panelists should receive their invitations at least two weeks in advance (more would be better), especially if we want to get onto their schedules.

I will be in a meeting tomorrow from 10:30 -- 1:00 p.m. but will be available the rest of the day for a phone conversation. My cell phone --on which you can always reach me-- is [REDACTED]

Tom O'Neill

024313

their invitations at least two weeks in advance (more would be better), especially if we want to get onto their schedules.

I will be in a meeting tomorrow from 10:30 -- 1:00 p.m. but will be available the rest of the day for a phone conversation. My cell phone --on which you can always reach me-- is [REDACTED]

Tom O'Neill

Carol A. Paquette/EAC/GOV
05/17/2005 06:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Sheila A.
bcc

Subject project kickoff meeting with EAgleton Institute

History:  This message has been forwarded.

Commissioners -

We have tentatively scheduled May 26 at 2:30 for a kickoff meeting here with Eagleton Institute. What will happen at this meeting is Eagleton will introduce their key people and make a brief presentation on their approach to performing the provisional voting and voter ID studies. It will be an opportunity to ask questions, raise any concerns, and/or provide guidance as they begin this work. Please advise if you wish to attend this meeting. I expect it will last about an hour.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

024316

Carol A. Paquette/EAC/GOV
05/13/2005 02:05 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Kick off meeting with Eagleton

Haven't gotten confirmation from them yet.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
05/13/2005 01:14 PM

To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Kick off meeting with Eagleton

Carol-

Are we still on track to have our kick-off meeting with Eagleton next Wednesday, May 18 at 1:00?

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024317



DeAnna M. Smith/EAC/GOV

03/29/2007 11:15 AM

To Thomas R. Wilkey/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Fw: One more time

DeAnna M. Smith
Paralegal Specialist
Office of the General Counsel
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, D.C. 20005
202-566-3117 (phone)
202-566-1392 (fax)
www.eac.gov

----- Forwarded by DeAnna M. Smith/EAC/GOV on 03/29/2007 11:14 AM -----

Juliet E. Hodgkins/EAC/GOV

03/26/2007 12:12 PM

To DeAnna M. Smith/EAC/GOV@EAC

cc

Subject Fw: One more time

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 03/26/2007 12:12 PM -----

Juliet E. Hodgkins/EAC/GOV

03/21/2007 05:02 PM

To Donetta Davidson, Gracia Hillman, Caroline C.
Hunter/EAC/GOV, Rosemary E. Rodriguez/EAC/GOV
cc jlayson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC,
Karen Lynn-Dyson/EAC/GOV@EAC

Subject One more time

I think that Karen and I have captured all of the changes that needed to be made including answering the question posed by Commissioner Hillman regarding footnote #2.

Please take one final look.



Voter ID edited 32107- with changed footnote.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100

024318

EAC Study of Voter Identification Requirements

Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document¹ was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates² and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.³

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, www.eac.gov.

EAC Declines to Adopt Draft Report

¹ In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

² The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. These data did not differentiate between citizens and non-citizens; because these numbers include non-citizens, the Contractor applied the percentage of citizens included in voting age population statistics in 2000 to the U.S. Census Bureau estimated voting age population in 2004. Thus, 2004 estimates of voting age population include persons who are not registered to vote.

³ The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turnout. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.⁴ Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.

Further EAC Study on Voter Identification Requirements

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.

⁴ See Transcript of EAC Public Meeting, February 8, 2007, page 109.

- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

DRAFT